

DORSEY

AT

WORK

TO

COMBAT T CHARGE

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hearing of a far greater number of persons than already have made depositions, according to information in the possession of Frank's attorneys.

While the prisoner's lawyers are busy building up their plea, Solicitor General Hugh Dorsey is working ceaselessly preparing to demolish their arguments for a new trial.

"We have the names of a great many other persons to whom Henslee expressed his opinion of Frank's guilt and his hope that he would have the opportunity to assist in convicting him," said Reuben R. Arnold, of counsel for Frank, Monday."

"These persons would be called on to tell the truth in respect to Henslee's attitude before the trial were it not for their evident reluctance to incur the enmity of Henslee and the fact that we already have the sworn statements of a sufficient number of reliable persons to prove conclusively that Henslee was guilty of making the biased and prejudiced remarks."

"Fear They'll Harm Henslee."

"We are in possession of the facts, however, and if we find it necessary we will use them. Even the men from whom we have taken statements have been reluctant to give them. They acquiesced in making a statement of the facts only after they had been summoned by a process of law. They did not wish to harm Henslee, but they had overheard his unmistakable condemnation of Frank and there was nothing left for them to do when they were called to narrate the facts of the case."

"Henslee's prejudice and that of Johenning alone constitute a situation that is sufficient to form a basis for a new trial. It is unthinkable that a man should be sentenced to death when the two men at least were violently biased against him before a word of evidence was heard."

Solicitor Dorsey and his assistant, A. E. Stephens, are engaged in prep answer to the motion for a new trial. The lawyers for the defense are prepared to argue the motion before Judge

Roan next Saturday. The Solicitor is expected to be ready for the argument, although he has an immense task in reviewing all of the reasons presented by the defense.

Grand Jury Session Delayed.

The meeting of the Fulton Grand Jury has been postponed indefinitely, pending the final disposition of the Frank case, according to information at the Solicitor's office Monday.

Coupled with this information was the announcement that the decks had been cleared for the case. Absolutely nothing, not even the Grand Jury, it is said, will be allowed to interfere with the work of Mr. Dorsey and Mr. Stephens in summing up the final evidence which will be used to combat the arguments of the defense for a new trial.

In the meantime, the courts are becoming clogged and the Grand Jury faces a heavy docket, including a number of important cases.

The extreme thoroughness with which the attorneys for Frank

Continued on Page 2, Column 5.

PDF PAGE 7, COLUMN 5

**FRANK DEFENSE
CLAIMS NEW
BIAS PROOF**

Solicitor Dorsey Meanwhile Col- lects Data Combat the Charges Against Henslee

Continued From Page 1.

have set about substantiating their charge of prejudice and bias against A. H. Henslee, on the twelve jurors who declared Frank guilty of murder, made it evident Monday that the lawyers will wage their fight around this one instance of alleged unfairness as to constitute in itself and alone a sufficient ground for a new a new trial.

Many persons with whom Henslee talked before the trial were interviewed by agents of Attorneys Rosser and Arnold. One deposition was bulkwarked by another until the lawyers considered they had made out a clear case of prejudice and bias against Henslee. Without the additional force lent by the more than 100 other reasons presented in their amended motion for a new trial, they were confident that they had obtained an unassailable ground for a retrial of the convicted man.

Solicitor Dorsey is preparing for a determined fight against their contention. He believes that Henslee has been misrepresented. He is prepared to take the word of Henslee himself that he uttered no statements to the effect that he considered Frank guilty and would like to have a part in bringing about his hanging.

Sparta Men Make Reply.

Henslee's repeated denials of the alleged conversations brought a reply Monday from three of the Sparta men who recently made depositions that they had overheard remarks of the nature mentioned. They prepared a signed statement, in which they reiterated their allegations of prejudice and bias against Henslee and declared that Henslee must have been misquoted in his repudiation of the remarks.

The statement was signed by Joan M. Holmes, of Holmes & Walker, an insurance and buggy firm; S. M. Johnson, cashier of the firm, and Shi Gray. All assert they were present when Henslee's reported conversation in regard to the guilt of Frank took place.

"Practically Tried Frank."

The letter read:

"You must recall in Mr. Holmes' office, on the day stated, and in the presence of the undersigned, we all discussed the Frank case and practically tried him, as it were, and that, in the discussion, you not only said that Frank was as guilty as—, but you had so much to say about Frank's being a moral degenerate—your exact language we can not use—and further stated that you were drawn as a juror."

"We have no disposition to injure you or to make public your statement, as two of the writers, Gray and Holmes, have known you and your family for many years, and we do not know how the attorneys were acquainted with the fact of this conversation, but your remark was common talk in the town, where there are a number of people who could have given the information to the attorneys."

"We declined to make a voluntary affidavit in the matter and said nothing until forced to by the court, but let us assure you that the reluctance to testify in no way changes the fact, and you shall not be permitted to make statements in the public press

denouncing us as liars in order to protect yourself from the criticism you have justly deserved.”

“We await your answer.”

“J. M. HOLMES.”

“S. M. JOHNSON.”

“SHI GRAY.”

County Refuses To Pay Newt Lee.

Claims filed by attorneys for Newt Lee, the negro witness in the Frank case, for recovery for time lost while confined in the county jail, were turned down by the Board of County Commissioners in monthly session Monday morning.

The vote of the board was unanimous, following motion of General Clifford Anderson, who declared the county owed nothing to Newt lee, inasmuch as he was held at the instance of the State.

The negro was held in the county as a witness for about three months.

Previous to the decision of the board a communication was read from Attorney Luther Rosser, who refused to give an opinion as to the claims of Lee on the grounds that he was unqualified because of his connection with the case.

The County Commissioners disposed of several important matters Monday morning, including the Roxbury crossing matter providing for the construction of an underpass by the Southern Railway and the widening of the roadway 40 feet.

The board also heard the petition of 25 citizens, offering to donate a 70-foot roadway about six miles in length, extending along the Chattahoochee River from Pace's Ferry to Johnson Ferry road. The petition was referred to the three local road commissioners, who will report on the feasibility of the proposed roadway.

An offer of the Piedmont Chapter of the Daughters of the Revolution to place a Georgia State flag on the new courthouse was also accepted with thanks and plans made for a flag-raising day when the new building is completed.

The meeting Monday morning was postponed from last week, pending the return of Commissioners Smith, Anderson and Winn from Detroit.

PDF PAGE 2, COLUMN 1

**HIT DENIAL
BY FRANK**

JUROR

Henslee, in Letter to The Geor- gian. Declares His Comment Was Made After Trial

The idea that there could have been any mistake in the dates when they say they overheard Juror A. H. Henslee make denunciatory remarks against Leo M. Frank was ridiculed Tuesday by persons who have made depositions in respect to the nature of Henslee's remarks.

All insist that the invectives of Henslee against the defendant were uttered before the trial began and Henslee was chosen a juror.

They scoff at Henslee's reply to the charges in which he seeks to establish that every one of his remarks indicating prejudice and bias were made after the evidence was all in and the verdict returned.

Say They're Not Mistaken.

The affiants declare that if it comes to an issue of veracity or accuracy of dates, they have incidents by which they are able to fix the dates as before the trial of Frank. They are positive there is no opportunity of mistake.

Henslee, in a letter sent to The Georgian Tuesday, admitted that he had made some of the remarks credit to him, but asserted that they had been uttered after the trial and that he had stated

explicitly that he believed the testimony of Jim Conley made on the stand.

He also said that he proposed to seek a bill of indictment at the next Grand Jury against Julius A. Lehman, one of the persons who made a deposition, because of Lehman's alleged endeavor to represent Henslee as a perjurer.

Juror Henslee's Reply.

Replying to your article in today's issue, October 6, in reference to Messrs. Holmes, Johnson and Gray. I will say I am sorry to think that you would go ahead and make such statements above your signatures that I had remarked and tried Leo M. Frank in your office per your date of July 27. Having read your deposition in Hugh Dorsey's office, I will say that I spoke of the case freely and met your many friends in your office on September 2, which was Tuesday morning.

Sorry to think that you would express yourself, and dating your deposition as you did, either July 27 or June 27, I will say I was in your office on June 27 between trains, but the Frank case was never mentioned. As to branding you all liars, I have never done so, but say that you have miscalculated your date. I did willingly express myself freely regarding the Frank case on September 2, Tuesday morning; met many of your friends, to whom you introduced me, and did say and express to your friends and yourselves that Leo M. Frank, from the evidence of Jim Conley, was really a pervert.

I made a statement to one of the Atlanta papers that I almost positively knew that from the deposition received from Sparta, Ga., there would not be anything that I had expressed prior to this case similar to that of Blakely, Ga. Regarding the fact that you and my family for years, I wish to state that you gentlemen regard and hold in in the highest esteem as men whom I believe would defend and honor me and my family, regardless of public sentiment.

Denies Calling Them Liars.

I wish to state further from your deposition, after reading same in Hugh Dorsey's office, I am surprised that men with your intelligence should come out and

Continued on Page 2, Column 8.

PDF PAGE 8, COLUMN 8

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Henslee Declares His Only Com- ment on Case Was Made Af- ter the Trial.

Continued From Page 1.

in a way request a reply, as you have. As to branding you liars, I have never. The fact is, you got your dates wrong.

Julius A. Lehman, of the firm of Floyd & Lehman, of the city of Atlanta, as I understand, makes an affidavit of alleged statements to him on either June 2 or June 6, on the train between Atlanta and Experiment, Ga., which I brand as a false statement, as on June 2, 1913, I was on the train between Edison, Ga., and Arlington, Ga. On June 6, I was between Tifton and Ashburn, Ga. Regarding his statement and affidavit, I brand it as absolutely false, and furthermore wish to say I called on Mr. Lehman Saturday evening, October 4, in his place of business, and stated to him personally that the only reason I came by was to inform him that I would get a bill of indictment when the next Grand Jury convened in Fulton County for trying to make me a perjurer. That was all I had to say to him, and left his place of business. Regarding all the foregoing statements, will say that it is on record that the Franklin Buggy Company's place of business is Barnesville, Ga.

PDF PAGE 3, COLUMN 1

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The three Sparta men declared they were absolutely certain that Henslee made the statements on which the defense hopes to secure a new trial from Judge Roan before the case came up in the Fulton court, because they say, Henslee made the remark that he had been summoned as a talesman and might be selected as a juror.

Henslee in a letter sent to The Georgian Tuesday, admitted that he had made some of the remarks credited to him, but

asserted that they had been uttered after the trial and that he had stated explicitly that he believed the testimony of Jim Conley made on the stand.

He also said that he proposed to seek a bill of indictment at the next Grand Jury against Julius A. Lehman, one of the persons who made a deposition, because of Lehman's alleged endeavor to represent Henslee as a perjurer.

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PDF PAGE 5, COLUMN 4

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PDF PAGE 12, COLUMN 6

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PDF PAGE 13, COLUMN 2

***Governor Slaton Personally
Investigates and***

***Verifies the Circulation of The
Georgian***

***and Hearst's Sunday
American. :: ::***

Daily Sunday

Georgian American

October 4th 1913.

At the request of the management of The Atlanta Georgian and The Sunday American, I personally examined on Friday afternoon their various circulation statements, in detail. This work required sometime, but it was willingly given, because I regard these newspapers as enterprises of which all Georgia should be proud. The figures the papers furnish, under oath, to the postal authorities show a marvelous growth for the time The Georgian and Sunday American have been in Mr. Hearst's hands—particularly The Sunday American, which is only six months old.

These circulation figures I have checked up and verified in person. I have examined the sworn statements of the circulation and the cashier of The Georgian corporation, and cross questioned them in detail about the circulation figures. I believe the figures to be absolutely correct.

Purely from a business man's viewpoint, both The Georgian and The Sunday American, in points of quality and quantity of circulation, should be, and I have no doubt are, highly satisfactory and effective advertising mediums. Certainly, they are most excellent newspapers, and should commend themselves to merchants for business purposes.

The fine circulation showings furnish me ample foundation for warm congratulations. I sincerely wish for Mr. Hearst and his Georgia newspapers the fullest measure of prosperity and success—both of which seem assured. I am persuaded this great publisher means to be consistently a firm and powerful friend of Atlanta, Georgia, and the whole South, and I well know his ability to do big things in a big way.

PDF PAGE 46, COLUMNS 1 & 4

PDF PAGE 46, COLUMN 1
FRANK GIVES 115 REASONS FOR
ASKING NEW TRIAL

PDF PAGE 46, COLUMN 4

MANY ERRORS ARE

LAIID TO THE COURT

**Charge Is Also Made by
the Law-**

**yers That the Jury
Was
Intimidated.**

In an exhaustive research, requiring nearly 200 typewritten pages, citing 115 counts and attacking two of the jurors, an amended motion for a new trial for Leo M. Frank, sentenced to hang October 10 for the murder of Mary Phagan, was filed Wednesday.

Each count wherein the court is declared to have erred in the trial of the pencil factory superintendent, is dissected, its effect asserted and the whole combined in a masterly manner to form the chain of the defense's claims.

The two jurors named are Marcus Johenning and J. A. Henslee, both of whom, it is claimed in the motion, were prejudiced against Frank before they were selected. Affidavits will be introduced to support this contention.

The motion was placed in the hands of Solicitor Dorsey for his inspection and reply.

Principal among the objections offered in the motion is conduct of the crowds which attended the trial. Frank's attorney openly declare that the jury was intimidated, and despite their objections no effort was made to stop the applause which time and again rang out in the courtroom.

"Threats to clear the room were made by the trial judge," the motion states, "but they were absolutely disregarded and the threats were not enforced, despite the objections of counsel for the defense."

Hits at Conley Testimony.

The motion struck also at the admission of the lascivious testimony of Jim Conley, the negro sweeper. The testimony referred to included that wherein the negro declared on the witness stand that Frank had entertained women in the factory on holidays while he stood watch at the front door.

"Lasciviousness is not one of the character traits involved in a plea of murder and can not be held in a murder and can not be held in a murder trial, even when the defendant has put his character in issue," the motion stated.

The testimony of Dr. H. F. Harris, County Physician, also was objected to. The motion declared that the physician's testimony was "argumentative and not a statement of fact, scientifically or otherwise." Dr. Harris had gone extensively into an analysis of the cabbage taken from the stomach of Mary Phagan, which she had eaten on the morning of her tragic death.

PDF PAGE 50, COLUMN 4

MORE ATTACKS

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